IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NO : 3863 of 2005

Between:

Syed Abdul Qudar, S/o. Syed Mahmood,
R/o. 17-1-376/B/8, Santosh Nagar, Hyderabad (A.P)

..... PETITIONER

AND

1 State of A.P., rep. by its Secretary, Home Dept., Secretariat, Hydeabad.
2 Director General of Police, Govt of A.P., Khairtabad, Hyderabad.
3 Commissioner of Police, Hyderabad.
4 Asst. Commissioner of Police, Santoshnagar, Hyderabad.
5 Mr. Saheb Peer, father's name not known

Occ: Assistant Commissioner of Police,
Santhoshnagr, Hyderabad.
6 Circle Inspector of Police, Kanchanbag, Hyderabad.
7 Mr. Riasat Ali Khan, Circle Inspector of Police Kanchanbagh, Hyderabad.
8 Farheen Durdana, W/o. MOhd. Riazuddin,
R/o. Part of 17-1-376/B/8, Santoshnagr, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents 4 to 7 dated 8.9.2004, compelling the Petitioner to execute a bond for Rs.24, 00,000/- and to pay the same to the 8th respondent herein within a period of six months as illegal, void, violative of the Civil Laws of land, and their action dated 24.2.2005, of sending two police constables to compel the petitioners attendance before 4th respondent as illegal null and void and consequently direct the respondents 1 to 3 herein to take action against the respondents 4 and 6 for their abusive of power by calling the petitioner before the 4th respondent and forcing him to execute a bond for Rs.24,00,000/- in

favour of 8th respondent and attesting their signature on the said bound paper and further direct the respondents 4 and 6 to produce the bond executed by the petitioner under duress and coercion by Respondents 4 and 6 before this Hon'ble Court and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following

ORAL ORDER**:**

Heard both sides.

2**.** The grievance of the petitioner is that he was forced to give an undertaking wherein and whereby promising to pay a sum of Rs.24,00,000/- to his own daughter.

3. According to the petitioner, this undertaking was written by him only at the intervention of the fourth and sixth respondents, who are police officials. It is his further allegation that it is only at the instance of those two police officers he was forced to execute the said undertaking. Surprisingly, the said undertaking, which is made part of the record, contains the signatures of those two police officers. The presence of the signatures of those two police officers gives an impression that it is only at their instance, the petitioner had executed the said undertaking, of course, in favour of his own daughter. It appears that there are some disputes between the petitioner and the eighth respondent, who are no other than the father and daughter.

4. The petitioner, who is present before this Court, voluntarily submits that he is prepared to pay a sum of Rs.12,00,000/- to his daughter as, in fact, it is the amount actually due to his daughter. This aspect cannot be gone into by this Court. Nevertheless, *prima facie,* this undertaking, in view of the signatures contained on it, will not stand to the legal scrutiny. Therefore, the whole dispute between the petitioner and his daughter would, in all probability, come back to square one.

5. At this stage, the abovesaid two police officers viz., the fourth and sixth respondents have expressed their unconditional apology, however, explaining that it was only because of the settlement arrived

at between the father and the daughter in their presence and due to lack of knowledge of about the further implications they signed the said undertaking. Further, they asserted that they did not apply any pressure against the petitioner in executing the said undertaking. But, they admitted their folly unconditionally and plead guilty for the same and also apologies for the same.

6. Having regard to the said unconditional apologies expressed by the fourth and sixth respondents, the police officials, their interference in getting the undertaking executed is excused. In fact, the petitioner also has no-objection for the same in view of the unconditional apologies expressed by the fourth and sixth respondents.

7. Further, since the petitioner is prepared to pay a sum of Rs.12,00,000/-, which according to him is liable to pay to his daughter would be paid, within no time if agreed by his daughter. This aspect also cannot be gone into by this Court nor can this Court be a party to such transaction.

8. At this point of time, Mr.Mohd.Zia-Ul-Haque, the learned counsel appearing for the petitioner, with the consent of the petitioner, volunteers to took all the pains to settle the dispute between the father and the daughter, only with a sense of responsibility as an Advocate and a gentleman but not as a counsel appearing for the petitioner. This attitude of the learned counsel appearing for the petitioner has to be welcomed and appreciated.

9. With the above observations, the writ petition is closed, however, with liberty to the petitioner to settle the dispute with his daughter, in the presence of Mr.Mohd.Zia-Ul-Haque, the learned counsel appearing for the petitioner, subject to the consent of his daughter. However, there shall be no order as to costs.

10. It is further clarified that in case of any problem that is likely to be faced by the petitioner from any other source, upon complaint, the fourth and sixth respondents would and should accord necessary assistance to him subject to the permissible limits and strictly in

accordance with law.

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D.S.R. VARMA, J

4TH MARCH 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, State of A.P., Home Department, Secretariat, Hyderabad.
2 The Director General of Police, Govt of A.P., Khairatabad, Hyderabad.
3 The Commissioner of Police, Hyderabad.
4 The Asst. Commissioner of Police, Santoshnagar, Hyderabad.
5 The Circle Inspector of Police, Kanchanbag, Hyderabad.
6 Mr. Riasat Ali Khan, Circle Inspector of Police Kanchanbagh, Hyderabad.
7. Two CCs to G.P. for Home, High Court buildings, Hyderabad (OUT).

8. Two CD copies

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

04TH MARCH 2005